

Notice of Allowability

Application No.

10/648,387

Examiner

Frederick C. Nicolas

Applicant(s)

CATER, MIRO S.

Art Unit

3754

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable; PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed 12/12/2006.
2. ☒ The allowed claim(s) is/are 1-13 and 15-19.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 3/23/2007.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with the applicant's attorney Mr. Daniel G. Shanley on 3/23/2007.

The application has been amended as follows:

IN THE CLAIMS:

Claim 1, line 4, "adapted to" has been deleted; line 5, "engage" has been deleted and --engages-- has been inserted.

Claim 6, line 4, "adapted to" has been deleted; line 5, "engage" has been deleted and --engages-- has been inserted.

Claim 9, line 5, "for engaging" first occurrence, has been deleted and --to engage-- has been inserted; line 5, "for engaging" first occurrence, has been deleted and --to engage-- has been inserted; line 7, "for engaging" has been deleted, and --to engage-- has been inserted.

Allowable Subject Matter

2. Claims 1-13,15-19 are allowed.

3. The following is an examiner's statement of reasons for allowance: the prior art fails to disclose or render obvious a housing cap for securing a dispenser pump to a reservoir having an opening in combination with the other claimed limitations of claim 1:

Art Unit: 3754

“an outer surface of the lip sealingly engages an inner surface of the opening of the reservoir, the lower end having a protrusion for engaging the pump at a first location; the annular body defining at least one notch for engaging the pump at a second location”.

The prior art fails to disclose or render obvious a housing cap for securing a dispenser pump to a reservoir in combination with the other claimed limitations of claim 6:

“the upper end having an outwardly extending lip, an outer surface of the lip sealingly engages to a portion of the reservoir, the outwardly extending lip having an annular extension shaped to mate with the reservoir and having an outwardly extending member; the lower end having a protrusion for engaging the pump at a first location; the annular body defining an annular notch for engaging the pump at a second location and a recess spanning along an inner surface of the body between the upper and lower ends”.

The prior art fails to disclose or render obvious a dispenser assembly in combination with the other claimed limitations of claim 9:

“the housing cap having an outer surface in contact with the reservoir opening and an inner surface to engage the pump, the outer surface defining a lip to engage to the reservoir opening and a step to engage a portion of the pump, the inner surface having a plurality of steps to engage the pump, the pump having a body and a dispenser portion, the body being engaged by the plurality of steps”.

Art Unit: 3754

The prior art fails to disclose or render obvious the combination of a dispenser mounted on a bottle in combination with the other claimed limitations of claim 15:

“a plug inserted and retained in and projecting from the outer open end of said housing, said housing inserted in and engaging the inside of the neck below the undercut, with the projecting portion of the plug engaging outer portion of the inside of the neck”.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frederick C. Nicolas whose telephone number is (571)-272-4931. The examiner can normally be reached on Monday - Friday from 9:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin P. Shaver, can be reached on 571-272-4720. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For

Art Unit: 3754

more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

FN
March 23, 2007

A handwritten signature in black ink, appearing to be 'F. Nicolas', followed by the date '3/23/07' written in a similar style.

Frederick C. Nicolas
Primary Examiner
Art Unit 3754